

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Erik E. EMSTAD et al. | Confirmation No.: | 3659 |
| Serial No.: | 10/726,329 | Examiner: | James L. Swiger III |
| Filed: | December 1, 2003 | Group Art Unit: | 3733 |
| Docket No.: | 1292.1228101 | Customer No.: | 28075 |
| Title: | SPINAL ACCESS INSTRUMENT | | |

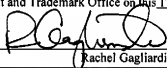
AMENDMENT IN ACCORDANCE WITH 37 CFR §1.111 RESPONSE

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE FOR ELECTRONIC TRANSMISSION:

The undersigned hereby certifies that this paper or papers, as described herein, are being electronically transmitted to the U.S. Patent and Trademark Office on this 17th day of September, 2008.

By _____


Rachel Gagliardi

Dear Sir:

This Amendment is being filed in response to the Office Action of the Examiner mailed July 8, 2008, with a shortened statutory period set to expire on October 8, 2008. Please charge any additional fees or credit overpayment to Deposit Account No. 50-0413.

Please amend the above-identified patent application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.